IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 34155 of 2007(N)

PETITIONER:

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1. M.K.KHADEEJA UMMA,
   SREEROSH APARTMENT, KANNOTHUMCHAL,
   P.O.THANA, KANNUR-12.

2. PARVEZ CHUNDANGA,
   FLAT NO.1A, SREEROSH APARTMENT,
   KANNOTHUMCHAL, KANNUR-12.

3. ABDUL MAJEED, FLAT NO.I-D, -DO- -DO-

4. RAJENDRA KUMAR, FLAT NO.2A, -DO- -DO-

5. JYOTHI MALLERI, FLAT NO.2B, -DO- -DO-

6. AMRUTH A.C., FLAT NO.2D, -DO- -DO-

7. M.K.MARIYU, FLAT NO.3A, -DO- -DO-

8. DR.SYYED HASHIM, FLAT NO.3D, -DO- -DO-

9. PARAKKANDY GIREESHKUMAR,
   FLAT NO.3D, -DO- -DO-

10. DR.RAVEENDRA MOHAN, FLAT NO.4A, -DO- -DO

11. PRASANTH C.V., FLAT NO.4B, -DO- -DO-

12. SUNILKUMAR, FLAT NO.4D, -DO- -DO-

13. NIRMALA MOORKOTHY, FLAT NO.5A,
    -DO- -DO-

14. RADHAKRISHNAN, FLAT NO.5B, -DO- -DO-

15. DR.SREEKUMAR, FLAT NO.6B, -DO- -DO-

BY ADV. SRI.A.MOHAMED MUSTAQUE

RESPONDENTS:
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1. THE THAHSILDAR,
KANNUR-1.

2. THE VILLAGE OFFICER,
KANNUR-1.

3. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT,
TRIVANDRUM.

BY GOVERNMENT PLEADER TEK CHAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C).34155/2007

Dated this the 1st day of December, 2007

JUDGMENT

Assessment orders under the Building Tax Act is under challenge. Exts.P2 to P16 are the assessment orders. Referring to the Statement filed, the learned Government Pleader submits that though there are 22 apartments, during the course of the enquiry held with notice to the parties, nothing was made available to the Assessing Officer to indicate that in respect of each of these apartments, the owners had made individual contribution for meeting the cost of construction of these apartments. It was also stated that the documents having title to the flats were executed as late as in August and September, 2006, and that flats are still in the name of the first petitioner who had constructed the flats. In the light of this, prima-facie, I do not find any reason to interfere in this writ petition.

2. I also notice that the petitioners have not availed of the statutory remedies where he can produce documents

and prove their contentions, correctness of which is to be decided based on the evidence that is to be produced.

3. In view of above, this writ petition is closed without prejudice to the right of the petitioner to pursue the matter before the statutory authority and leaving open the contentions that are raised.

ANTONY DOMINIC
Judge

mrcs